Title 33
ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits
§322. Classification of Permit Modifications

The following is a listing of classifications of permit modifications made at the request of the permittee.

Modifications	Class
A. – N.3. …	
O. Burden Reduction	
1. Development of one contingency plan based on Integrated Contingency Plan Guidance pursuant to LAC 33:V.1513.B.2	1
2. Changes to recordkeeping and reporting requirements pursuant to LAC 33:V.1513.F.9, 1737.B.1, 1739.A.2, 1913.F, 3111.A.2, 3321.G, and 3513.E.5	1
3. Changes to inspection frequency for tank systems pursuant to LAC 33:V.1911.B	1
4. Changes to detection and compliance monitoring program pursuant to LAC 33:V.3317.D, G.2, and G.3, and 3319.F and G	1
[1]Class 1 modifications requiring prior administrative authority approval.	

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 16:614 (July 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:815 (September 1996), amended by the Office of the Secretary, LR 24:2245 (December 1998), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:436 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:270 (February 2000), LR 27:292 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 34:620 (April 2008), LR 34:**.

Chapter 5. Permit Application Contents
Subchapter E. Specific Information Requirements
§519. Contents of Part II: General Requirements

A. Part II of the permit application consists of the general information requirements of this Section, and the specific information requirements in LAC 33:V.~~.~~519-549 applicable to the facility. The Part II information requirements presented in LAC 33:V.519-549 reflect the standards promulgated in LAC 33:V.Chapters 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, and 37~~15-37~~. These information requirements are necessary in order for the administrative authority to determine compliance with LAC 33:V.Chapters 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, and 37~~15-37~~. If owners and operators of Hazardous Waste Management facilities can demonstrate that the information prescribed in Part II cannot be provided to the extent required, the administrative authority may make allowance for submission of such information on a case-by-case basis. Information required in Part II shall be submitted to the administrative authority and signed in accordance with requirements in

Subchapter B of this Chapter. Certain technical data, such as design drawings and specifications and engineering studies, shall be certified by a qualified~~Louisiana registered~~ professional engineer. For post-closure permits, only the information specified in LAC 33:V.528 is required in Part II of the permit application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:280 (April 1984), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:436 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1465 (August 1999), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

§523. Specific Part II Information Requirements for Tanks

Except as otherwise provided in LAC 33:V.1901, owners and operators of facilities that use tanks to store or treat hazardous waste must provide the following additional information:

A. a written assessment that is reviewed and certified by an independent, qualified ~~registered~~ professional engineer as to the structural integrity and suitability for handling hazardous waste for each tank system, as required under LAC 33:V.1903 and 1905;

B. – K. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:280 (April 1984), LR 13:433 (August 1987) LR 16:220 (March 1990), LR 16:614 (July 1990), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1692 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

§532. Special Part II Information Requirements for Drip Pads

A. – A.3.n. …

o. a certification signed by an independent, qualified~~, registered~~ professional engineer stating that the drip pad design meets the requirements of LAC 33:V.2805.A-F;

p. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

Chapter 15. Treatment, Storage, and Disposal Facilities

§1509. General Inspection Requirements

A.1. – A.2. …

B. Inspection Schedule~~. LAC 33:V.517.G requires the inspection schedule to be submitted with Part II of the permit application. The administrative authority will evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment.~~

1. – 3. …

4. The frequency of inspection may vary for the items on the schedule. However, the frequency~~inspections~~ should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, ~~or~~ a malfunction, or ~~any~~ operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the terms and frequencies called for in LAC 33:V.1709, 1719, 1721, 1731, 1753, 1755, 1757, 1759, 1761, 1763, ~~-~~1765, 1907, 1911, 2109, 2309, 2507, 2711, 2907, 3119, and 3205, where applicable.

[Comment: LAC 33:V.517.G requires the inspection schedule to be submitted with Part II of the permit application. The department will evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the department may modify or amend the schedule as may be necessary.]

C. – D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1695 (September 1998), LR 25:437 (March 1999), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

§1513. Contingency Plan and Emergency Procedures

A. – B.1. …

2. If the owner or operator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan~~,~~ in accordance with 40 CFR Part 112 or 40 CFR Part 300, or some other emergency or contingency plan, he need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with these requirements. The owner or operator may develop one contingency plan that meets all regulatory requirements. EPA recommends that the plan be based on the National Response Team's Integrated Contingency Plan Guidance ("One Plan"). When modifications are made to non-RCRA provisions in an integrated contingency plan, the changes do not trigger the need for a RCRA permit modification.

B.3. – F.8.a. …

b. all emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

~~9. The owner or operator must notify SPOC and the appropriate state and local authorities that the facility is in compliance with Paragraph F.8 of this Section before operations are resumed in the affected area(s) of the facility.~~

9~~10~~. The owner or operator must note in the operating record the time, date, and details of any incident that requires implementation of the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to SPOC that includes:

a. name, address, and telephone number of the owner or operator;

b. name, address, and telephone number of the facility;

c. date, time, and type of incident (e.g., fire, explosion);

d. name and quantity of material(s) involved;

e. the extent of injuries, if any;

f. an assessment of actual or potential hazards to human health or the

environment, where this is applicable; and

g. estimated quantity and disposition of recovered material that resulted from the incident.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:614 (July 1990), LR 18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2472 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2456 (October 2005), LR 33:2104 (October 2007), LR 34:**.

§1515. Personnel Training

A. – A.4. …

5. For facility employees who receive emergency response training pursuant to Occupational Safety and Health Administration (OSHA) regulations in 29 CFR 1910.120(p)(8) and 1910.120(q), the facility is not required to provide separate emergency response training pursuant to this Section, provided that the overall facility training meets all the requirements of this Section.

B. – E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

§1529. Operating Record and Reporting Requirements

A. …

B. ~~Records of each hazardous waste received, treated, stored, or disposed of at the facility~~The following information must be recorded ~~in the following manner~~, as it~~they~~ becomes available, and maintained in the operating record for three years, unless otherwise specified in Paragraphs B.1-22 of this Section~~until closure of the facility~~:

1. a description ~~by its common name~~ and the quantity~~EPA~~ of each hazardous waste ~~number(s) (LAC 33:V.Chapter 49) which apply to the waste and the quantity of the waste~~ received, and the method(s) and date(s) of its treatment, storage, or disposal at the facility, utilizing specifications in Tables 1 and 2 of this Section. This information must be maintained in the operating record until closure of the facility;~~The waste description also must include the waste's physical form, i.e., liquid, sludge, solid, or contained gas. If the waste is not listed in LAC 33:V.Chapter 49, the description also must include the process that produced it;~~

2. – 4, Table 2.…

5. the location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste must be recorded on a map or diagram that shows~~of~~ each cell or disposal area. For all facilities, this information must include cross-references to ~~specific~~ manifest document numbers, if the waste was accompanied by a manifest~~;~~. This information must be maintained in the operating record until closure of the facility;

6. – 8. …

9. monitoring, testing, or analytical data, and corrective action where

required by LAC 33:V.1504, 1711.C-F, 1713, 1741.D-I, 1743, 1751, 1753, 1755, 1757, 1759, 1761, 1763, 1765, 1767,~~1751-1767,~~ 1903, 1907, 1911, 2304, 2306, 2309, 2504, 2507, 2508, 2509, 2709, 2711, 2719, 2904, 2906, 2907, 3119, 3203, 3205, and Chapter 33, as well as corrective action cites~~;~~. Maintain this information in the operating record for three years, except for records and results pertaining to groundwater monitoring and cleanup, which must be maintained in the operating record until closure of the facility;

10. …

11. all closure cost estimates and, for disposal facilities, all post-closure cost estimates~~;~~. This information must be maintained in the operating record until closure of the facility;

12. records of the quantities ~~(~~and date of placement~~)~~ for each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal prohibition granted in accordance with LAC 33:V.2239, a petition approved in accordance with LAC 33:V.2241 or 2271, a determination made under LAC 33:V.2273, or a certification under LAC 33:V.2235 and the applicable notice required by a generator under LAC 33:V.2245~~;~~. This information must be maintained in the operating record until closure of the facility;

13. – 18. …

19. a certification by the permittee no less often than annually, that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that he generates to the degree determined by the permittee to be economically practicable~~;~~, and that the proposed method of treatment, storage, or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment;~~ and~~

20. any records required under LAC 33:V.1501.H.13~~;~~.~~.~~

21. monitoring, testing, or analytical data where required by LAC 33:V.3119. This information must be maintained in the operating record for five years; and

22. certifications as required by LAC 33:V.1913.F. This information must be maintained in the operating record until closure of the facility.

C. – E. …

1. releases, fires, and explosions as specified in LAC 33:V.1513.F.9~~10~~;

2. – 3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 15:378 (May 1989), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:832 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1695 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), LR 26:278 (February 2000), LR 26:2473 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:827 (May 2006), LR 33:2104 (October 2007), LR 34:623 (April 2008), LR 34:**.

Chapter 17. Air Emission Standards
Subchapter B. Equipment Leaks

§1737. Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Percentage of Valves Allowed to Leak

A. – B. …

~~1.~~ ~~An owner or operator must notify the Office of Environmental Services, that the owner or operator has elected to comply with the requirements of this Section.~~

1~~2~~. A performance test as specified in ~~LAC 33:V.1737.~~Subsection C of this Section shall be conducted initially upon designation, annually, and at other times requested by the administrative authority.

2~~3~~. If a valve leak is detected, it shall be repaired in accordance with LAC 33:V.1729.D and E.

C. Performance tests shall be conducted in the following manner.

1. - 3. …

D. Repealed.~~If an owner or operator decides to comply with this Section no longer, the owner or operator must notify the Office of Environmental Services in writing that the work practice standard described in LAC 33:V.1729.A-E will be followed.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2473 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2456 (October 2005), LR 33:2105 (October 2007), LR 34:**.

§1739. Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Skip Period Leak Detection and Repair

A. Alternative Work Practices.

~~1.~~ An owner or operator subject to the requirements of LAC 33:V.1729 may elect for all valves within a hazardous waste management unit to comply with one of the alternative work practices specified in ~~LAC 33:V.1739.~~Paragraphs B.2 and 3 of this Section.

~~2. An owner or operator must notify the Office of Environmental Services before implementing one of the alternative work practices.~~

B. Leak Detection Skip Period

1. – 4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:439 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2473 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2457 (October 2005), LR 33:2105 (October 2007), LR 34:**.

Chapter 19. Tanks

§1903. Assessment of Existing Tank System's Integrity

A. For each existing tank system that does not have secondary containment meeting the requirements of LAC 33:V.1907.B-I, the owner or operator must determine that the tank system is not leaking or is unfit for use. Except as provided in ~~LAC 33:V.1903.~~Subparagraph B.5.c of this Section, the owner or operator must obtain and keep on file at the facility a written

assessment reviewed and certified by an independent, qualified~~, registered~~ professional engineer, in accordance with LAC 33:V.513, that attests to the tank system's integrity by November 20, 1988. Tanks excluded from permitting requirements under LAC 33:V.1109.E.1 must have an assessment as described in this Section by November 20, 1990.

B. – B.5.a. …

b. for other than non-enterable underground tanks and for ancillary equipment, this assessment must include either a leak test, as described above, or other integrity examination, that is certified by an independent, qualified~~, registered~~ professional engineer in accordance with LAC 33:V.513, that addresses cracks, leaks, corrosion and erosion;

c. – d. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 16:614 (July 1990), LR 18:1256 (November 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

§1905. Design and Installation of New Tank Systems or Components

A. Owners or operators of new tank systems or components must obtain and submit to the Office of Environmental Services, at the time of submittal of Part II information, a written assessment, reviewed and certified by an independent, qualified ~~registered~~ professional engineer, in accordance with LAC 33:V.513, attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. The assessment must show that the foundation, structural support, seams, connections and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the waste(s) to be stored or treated, and corrosion protection to ensure that it will not collapse, rupture or fail. This assessment, which will be used by the administrative authority to review and approve or disapprove the acceptability of the tank system design, must include, at a minimum, the following information:

1. – 5.c. …

B. The owner or operator of a new tank system must ensure that proper handling procedures are adhered to in order to prevent damage to the system during installation.

1. Prior to covering, enclosing, or placing a new tank system or component in use, an independent, qualified installation inspector or an independent, qualified~~, Louisiana registered~~ professional engineer, either of whom is trained and experienced in the proper installation of tank systems or components, must inspect the system for the presence of any of the following items:

~~1.~~ a. weld breaks;

~~2.~~ b. punctures;

~~3.~~ c. scrapes of protective coatings;

~~4.~~ d. cracks;

~~5.~~ e. corrosion;

~~6.~~ f. other structural damage or inadequate construction/installation.

2. All discrepancies must be remedied before the tank system is covered, enclosed, or placed in use.

C. – H. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 16:614 (July 1990), LR 16:683 (August 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2475 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2107 (October 2007), LR 34:**.

§1907. Containment and Detection of Releases

A. …

1. for all new and existing tank systems or components, prior to their being put into service; and

~~2. for all existing tank systems used to store or treat EPA Hazardous Waste Nos. F020, F021, F022, F023, F026 and F027, within two years after November 20, 1988;~~

~~3. for those existing tank systems of known and documented age, within two years after November 20, 1988 or when the tank system has reached 15 years of age, whichever comes later;~~

~~4. for those existing tank systems for which the age cannot be documented with eight years of November 20, 1988, but if the age of the facility is greater than seven years, secondary containment must be provided by the time the facility reaches 15 years of age, or within two years of November 20, 1988, whichever comes later;~~

2~~5~~. for tank systems that store or treat materials that become hazardous wastes ~~subsequent to November 20, 1988~~, within two years of the ~~time intervals required in LAC 33:V.1907.A.1-4 except that the date that a material becomes a~~ hazardous waste listing, or when the tank system has reached 15 years of age, whichever comes later.~~must be used in place of November 20, 1988; and~~

~~6. existing tanks of known and documented age and subject to the accumulation time exclusion of LAC 33:V.1109.E.1, November 20, 1991, or by 15 years of age, whichever comes later.~~

B. Secondary containment systems must be:

B.1. – I.2. …

a. conduct a leak test as in ~~LAC 33:V.1907.~~Paragraph I.1 or 2 of this Section; or

b. develop a schedule and procedure for an assessment of the overall condition of the tank system by an independent, qualified ~~registered~~ professional engineer. The schedule and procedure must be adequate to detect obvious cracks, leaks, and corrosion or erosion that may lead to cracks and leaks. The owner or operator must remove the stored waste from the tank, if necessary, to allow the condition of all internal tank surfaces to be assessed. The frequency of these assessments must be based on the material of construction of the tank and its ancillary equipment, the age of the system, the type of corrosion or erosion protection used, the rate of corrosion or erosion observed during the previous inspection, and the characteristics of the waste being stored or treated.

3. – 5. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 14:790 (November 1988), LR 16:614 (July 1990),

amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2475 (November 2000), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2107 (October 2007), LR 34:624 (April 2008), LR 34:**.

§1911. Inspections

A. …

B. The owner or operator must inspect, at least once each operating day, ~~:~~ data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design.

C. In addition, except as noted under Subsection D of this Section, the owner or operator must inspect at least once each operating day:

1. aboveground portions of the tank system, if any, to detect corrosion or releases of waste; and

~~2. data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; and~~

2~~3~~. the construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation).

D. Owners or operators of tank systems that either use leak detection systems to alert facility personnel to leaks, or implement established workplace practices to ensure that leaks are promptly identified, must inspect at least weekly those areas described in Paragraphs C.1 and 2 of this Section. Use of the alternate inspection schedule must be documented in the facility's operating record. This documentation must include a description of the established workplace practices at the facility.

E. Ancillary equipment that is not provided with secondary containment, as described in LAC 33:V.1907.F.1-4, must be inspected at least once each operating day.

F~~C~~. The owner or operator must inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:

1. the proper operation of the cathodic protection system must be confirmed within six months after initial installation and annually thereafter; and

2. all sources of impressed current must be inspected and/or tested, as appropriate, at least bimonthly (i.e., every other month).

G~~D~~. The owner or operator must document in the operating record of the facility an inspection of those items in ~~LAC 33:V.1911.~~Subsections A-C and F of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 14:790 (November 1988), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

§1913. Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tank Systems

A tank system or secondary containment system from which there has been a leak or

spill, or that is unfit for use, must be removed from service immediately, and the owner or operator must satisfy the following requirements.

A. – E.4. …

F. Certification of Major Repairs. If the owner/operator has repaired a tank system in accordance with ~~LAC 33:V.1913.~~Subsection E of this Section and the repair has been extensive (e.g., installation of an internal liner; repair of a ruptured primary containment or secondary containment vessel), the tank system must not be returned to service unless the owner/operator has obtained a certification by an independent, qualified~~, registered,~~ professional engineer in accordance with LAC 33:V.513 that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This certification must be placed in the operating record and maintained until closure of the facility~~submitted to the Office of Environmental Compliance within seven days after returning the tank system to use~~.

[NOTE: The administrative authority may, on the basis of any information received that there is or has been a release of hazardous waste or hazardous constituents into the environment, issue an order requiring corrective action or such other response as is deemed necessary to protect human health or the environment.]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 13:651 (November 1987), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2475 (November 2000), LR 30:1673 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2457 (October 2005), LR 33:2107 (October 2007), LR 34:**.

Chapter 21. Containers

§2109. Inspections

A. At least weekly, the owner or operator must inspect areas where containers are stored~~,~~. The owner or operator must look~~ing~~ for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors. Remedial action as described in LAC 33:V.1513 shall be taken.

B. – C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), repromulgated LR 18:1256 (November 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

Chapter 22. Prohibitions on Land Disposal

Subchapter A. Land Disposal Restrictions

§2245. Generators' Waste Analysis, Recordkeeping, and Notice Requirements

A. Requirements for generators.~~:~~ A generator of hazardous waste must determine if the waste has to be treated before ~~being land disposed as follows: a generator of a hazardous waste must determine if the waste has to be treated before~~ it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in LAC 33:V.2223, 2230, or 2236. This determination can be made concurrently with the hazardous waste determination required in LAC 33:V.1103 in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing would normally determine the total concentration

of hazardous constituents, or the concentration of hazardous constituents in an extract of the waste obtained using Test Method 1311 in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, EPA Publication SW-846, as incorporated by reference in LAC 33:V.110, depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the waste's extract. Alternatively, the generator must send the waste to a RCRA-permitted hazardous waste treatment facility, where the waste treatment facility must comply with the requirements of LAC 33:V.1519 and 2247.A. In addition, some hazardous wastes~~, and some soils contaminated by such hazardous wastes,~~ must be treated by particular treatment methods before they can be land disposed, and some soils are contaminated by such hazardous wastes. These treatment standards are also found in LAC 33:V.2223, and are described in detail in LAC 33:V.2299.Appendix, Table 3. These wastes, and ~~such~~ soils contaminated with~~by~~ such wastes, do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards would have to be tested). If a generator determines they are managing a waste, or ~~a~~ soil contaminated with a waste, that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, they must comply with the special requirements of LAC 33:V.2246 in addition to any applicable requirements in this Section.

B. If the waste or contaminated soil does not meet the treatment standards, or if the generator chooses not to make the determination of whether his waste must be treated, with the initial shipment of waste to each treatment or storage facility, the generator must send a one-time written notice to each treatment or storage facility receiving the waste and place a copy in the file. The notice must include the information in column "LAC 33:V.2245.B" of the Generator Paperwork Requirements Table in Subsection D of this Section. Alternatively, if the generator chooses not to make the determination of whether the waste must be treated, the notification must include the EPA hazardous waste numbers and manifest number of the first shipment and must state, "This hazardous waste may or may not be subject to the LDR treatment standards. The treatment facility must make the determination." No further notification is necessary until such time ~~when~~as the waste or facility changes, in which case a new notification must be sent and a copy placed in the generator's file.

B.1 – K. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266, 267 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), LR 22:820 (September 1996), LR 22:1130 (November 1996), LR 23:565 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:669 (April 1998), LR 24:1728 (September 1998), LR 25:447 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:281 (February 2000), LR 26:2478 (November 2000), LR 27:295 (March 2001), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2459 (October 2005), LR 33:2109 (October 2007), LR 34:**.

§2246. Special Rules Regarding Wastes That Exhibit a Characteristic

A. The initial generator of a solid waste must determine each EPA Hazardous Waste Number (waste code) applicable to the waste in order to determine the applicable treatment standards under this Chapter. This determination may be made concurrently with the hazardous

waste determination required in LAC 33:V.1103. For purposes of this Chapter, the waste will carry the waste code for any applicable listing under LAC 33:V.4901. In addition, where the waste exhibits a characteristic, the waste will carry one or more of the characteristic waste codes (LAC 33:V.4903), except ~~in the case~~ when the treatment standard for the listed waste operates in lieu of the treatment standard for the characteristic waste, as specified in Subsection B of this Section. If the generator determines that his waste displays a hazardous characteristic (and is not D001 nonwastewaters treated by CMBST, RORGS, or POLYM of LAC 33:V.2299.Appendix, Table 3), the generator must determine the *underlying hazardous constituents* (as defined in LAC 33:V.2203.A), in the characteristic waste.

B. – C. …

D. Wastes that exhibit a characteristic are also subject to the requirements of LAC 33:V.2245, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generator's or treater's on-site files ~~and sent to the Office of Environmental Services~~. The notification and certification must be updated if the process or operation generating the waste changes and/or if the solid waste disposal facility receiving the waste changes. ~~However, the generator or treater need only notify the administrative authority on an annual basis if such changes occur. In such circumstances, a notification and certification must be sent to the administrative authority by the end of the calendar year, but no later than December 31.~~

D.1. – F.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:1057 (December 1990), amended LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:669 (April 1998), LR 24:1730 (September 1998), LR 25:449 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:281 (February 2000), LR 26:2478 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2459 (October 2005), LR 33:2109 (October 2007), LR 34:**.

§2247. Owners or Operators of Treatment or Disposal Facilities: Testing, Waste Minimization, Recordkeeping and Notice Requirements

A. – D.…

E. Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions in LAC 33:V.4139.B-D regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) ~~is not required to notify the receiving facility, in accordance with Subsection B of this Section. With each shipment of such wastes the owner or operator of the recycling facility shall submit a~~ must, for the initial shipment of waste, prepare a one-time certification described in Subsection C of this Section and a one-time notice that includes the information listed in Subsection B of this Section (except the manifest number) ~~to the Office of Environmental Services~~. The certification and notification must be placed in the facility's on-site files. If the waste or the receiving facility changes, a new certification and notification must be prepared and placed in the on-site files. In addition, t~~T~~he recycling facility must~~shall~~ also keep records of the name and location of each entity receiving the hazardous waste-derived product.

F. – H. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266, 267 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), LR 22:820 (September 1996), LR 23:566 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:670 (April 1998), LR 24:1730 (September 1998), LR 25:449 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:282 (February 2000), LR 26:2478 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2459 (October 2005), LR 32:607 (April 2006), LR 33:2110 (October 2007), LR 34:**.

Chapter 23. Waste Piles

§2303. Design and Operating Requirements

A. – B.4. …

C. The owner or operator of each new waste pile unit ~~on which construction commenced after January 29, 1992~~, each lateral expansion of a waste pile unit ~~on which construction commenced after July 29, 1992~~, and each replacement of an existing waste pile unit ~~that was to commence reuse after July 29, 1992~~ must ~~have~~ install~~ed~~ two or more liners and a leachate collection and removal system above and between such liners. ~~*Construction commences* is as defined in LAC 33:V.109.*Existing Facilities*.~~

C.1. – L. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 20:1000 (September 1994), LR 21:266, 267 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2480 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2111 (October 2007), LR 34:**.

Chapter 25. Landfills

§2515. Special Requirements for Bulk and Containerized Liquids

~~A. Bulk or noncontainerized liquid waste or waste containing free liquids may be placed in a landfill prior to May 8, 1985 only if:~~

~~1. the landfill has a liner and leachate collection and removal system that meet the requirements of LAC 33:V.2503.A; or~~

~~2. before disposal, the liquid waste or waste containing free liquids is treated or stabilized, chemically or physically (e.g., by mixing with a sorbent solid), so that free liquids are no longer present.~~

A~~B~~. ~~Effective May 8, 1985, t~~The placement of bulk or noncontainerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.

B~~C~~. Containers holding free liquids must not be placed in a landfill unless:

1. all free-standing liquids:
   a. have been removed by decanting, or other methods;
   b. have been mixed with sorbent or solidified so that the free-standing

liquid is no longer present; or

c. have been otherwise eliminated; or

2. the container is very small such as an ampule; or

3. the container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or

4. the container is a *lab pack* as defined in LAC 33:V.109 and is disposed of in accordance with LAC 33:V.2519.

C~~D~~. To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095B (Paint Filter Liquids Test) as described in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, EPA Publication SW-846, as incorporated by reference ~~at~~in LAC 33:V.110.

D~~E~~. ~~Effective November 8, 1985, t~~The placement of any liquid which is not a hazardous waste in a landfill is prohibited unless the owner or operator of such landfill demonstrates to the administrative authority, or the administrative authority determines, that:

1. the only reasonably available alternative to the placement in such landfill is placement in a landfill or unlined surface impoundment, whether or not permitted or operating under interim status, which contains, or may reasonably be anticipated to contain, hazardous waste; and

2. placement in such owner's or operator's landfill will not present a risk of contamination of any *underground source of drinking water* or *groundwater* (as these terms are defined in LAC 33:V.109).

E~~F~~. Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are: materials listed or described in this Subsection~~LAC 33:V.2515.F~~; materials that pass one of the tests in ~~LAC 33:V.2515.F.~~Paragraph E.2 of this Section; or materials that are determined by the administrative authority to be nonbiodegradable through the petition process in LAC 33:I.Chapter 9.

1. Nonbiodegradable Sorbents. The following materials are nonbiodegradable sorbents:

a. ~~i~~inorganic minerals, other inorganic materials, and elemental carbon, such as aluminosilicates, clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites; calcium carbonate (organic free limestone); oxides/hydroxides, alumina, lime, silica (sand), diatomaceous earth; perlite (volcanic glass); expanded volcanic rock; volcanic ash; cement kiln dust; fly ash; rice hull ash; activated charcoal/activated carbon; or

b. high molecular weight synthetic polymers, such as polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polyacrylate, polynorborene, polyisobutylene, ground synthetic rubber, cross-linked allylstyrene and tertiary butyl copolymers. This does not include polymers derived from biological material or polymers specifically designed to be degradable; or

c. mixtures of these nonbiodegradable materials.

2. Tests for Nonbiodegradable Sorbents

a. The sorbent material is determined to be nonbiodegradable under ASTM Method G21-70 (1984a)-Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi.

b. The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b)-Standard Practice for Determining Resistance of Plastics to

Bacteria.

c. The sorbent material is determined to be nonbiodegradable under OECD test 301B: [CO_2 Evolution (Modified Sturm Test)].

~~d. Effective April 20, 1998, the placement of any liquid which is not a hazardous waste in a landfill is prohibited unless the owner or operator of such landfill demonstrates to the administrative authority, or the administrative authority determines, that:~~

~~i. the only reasonably available alternative to the placement in such landfill is placement in a landfill or unlined surface impoundment, whether or not permitted or operating under interim status, which contains, or may reasonably be anticipated to contain, hazardous waste; and~~

~~ii. placement in such owner's or operator's landfill will not present a risk of contamination of any *underground source of drinking water* (as that term is defined in LAC 33:V.109).~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, in LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:821 (September 1996), amended by the Office of the Secretary, LR 23:299 (March 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:680 (April 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

Chapter 26. Corrective Action Management Units and Special Provisions for Cleanup

§2605. Staging Piles

[NOTE: This Section is written in a special format to make it easier to understand the regulatory requirements. Like other department and USEPA regulations, this establishes enforceable legal requirements. For this Section, *I* and *you* refer to the owner/operator.]

A. – C.1. …

2. certification by an independent, qualified~~, registered~~ professional engineer for technical data, such as design drawings and specifications, and engineering studies, unless the administrative authority determines, based on information that you provide, that this certification is not necessary to ensure that a staging pile will protect human health and the environment; and

C.3. – M. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:285 (February 2000), amended LR 28:1196 (June 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

Chapter 27. Land Treatment

§2719. Closure and Post-Closure Care

A. – A.8. …

B. For the purpose of complying with LAC 33:V.3517, when closure is completed, the owner or operator may submit to the Office of Environmental Services certification by an independent, qualified soil scientist, in lieu of an independent, ~~registered~~qualified professional engineer, that the facility has been closed in accordance with the specifications in the approved closure plan.

C. – D.4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 14:790 (November 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2482 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2461 (October 2005), LR 33:2112 (October 2007), LR 34:**.

Chapter 28. Drip Pads

§2803. Assessment of Existing Drip Pad Integrity

A. For each *existing drip pad* as defined in LAC 33:V.2801, the owner or operator must evaluate the drip pad and determine that it meets all of the requirements of this Chapter, except the requirements for liners and leak detection systems of LAC 33:V.2805.C. No later than the effective date of this rule, the owner or operator must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by an independent, qualified ~~registered~~ professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated and re-certified annually until all upgrades, repairs, or modifications necessary to achieve compliance with all of the standards of LAC 33:V.2805 are complete. The evaluation must document the extent to which the drip pad meets each of the design and operating standards of LAC 33:V.2805, except the standards for liners and leak detection systems, specified in LAC 33:V.2805.C, and must document the age of the drip pad to the extent possible, to document compliance with ~~LAC 33:V.2803.~~Subsection B of this Section.

B. The owner or operator must develop a written plan for upgrading, repairing, and modifying the drip pad to meet the requirements of LAC 33:V.2805.C and submit the plan to the Office of Environmental Services no later than two years before the date that all repairs, upgrades, and modifications will be complete. This written plan must describe all changes to be made to the drip pad in sufficient detail to document compliance with all the requirements of LAC 33:V.2805 and must document the age of the drip pad to the extent possible. The plan must be reviewed and certified by an independent, qualified~~, registered~~ professional engineer.

C. Upon completion of all upgrades, repairs, and modifications, the owner or operator must submit to the Office of Environmental Services the as-built drawings for the drip pad together with a certification by an independent, qualified~~, registered~~ professional engineer attesting that the drip pad conforms to the drawings.

D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2482 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2462 (October 2005), LR 33:2112 (October 2007), LR 34:**.

§2805. Design and Operating Requirements

Owners and operators of drip pads must ensure that the pads are designed, installed, and operated in accordance with Subsection A or C of this Section.

A. – A.5.NOTE. …

B. The owner or operator must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by an independent, qualified ~~registered~~ professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated, and recertified annually. The evaluation must document the extent to which the drip pad meets the design and operating standards of this Section, except for ~~LAC 33:V.2805.~~Subsection C of this Section.

C. – G. …

H. The drip pad must be evaluated to determine that it meets the requirements of ~~LAC 33:V.2805.~~Subsections A-G of this Section, and the owner or operator must obtain a statement from an independent, qualified ~~registered~~ professional engineer certifying that the drip pad design meets the requirements of this Section.

I. – P. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2482 (November 2000), LR 30:1674 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2462 (October 2005), LR 33:2113 (October 2007), LR 34:627 (April 2008), LR 34:**.

§2807. Inspections

A. During construction or installation, liners and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation, liners must be inspected and certified as meeting the requirements of LAC 33:V.2805 by an independent, qualified~~, registered~~ professional engineer. The certification must be maintained at the facility as part of the facility operating record. After installation, liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters.

B. – B.3.Note. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:944 (September 1995), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

Chapter 30. Hazardous Waste Burned in Boilers and Industrial Furnaces

§3007. Interim Status Standards for Burners

A. – C.8.d. …

D. Periodic Recertifications. The owner or operator must conduct compliance testing and submit to the Office of Environmental Services a recertification of compliance under provisions of Subsection C of this Section within five~~three~~ years from submitting the previous certification or recertification. If the owner or operator seeks to recertify compliance under new operating conditions, he/she must comply with the requirements of Paragraph C.8 of this Section.

E. – J.4. …

K. Recordkeeping. The owner or operator must keep in the operating record of the facility all information and data required by this Section for five years~~until closure of the boiler~~

~~or industrial furnace unit~~.

L. …

[NOTE: Repealed.~~Parts of this Section were previously promulgated in LAC 33:V.4142 which has been repealed.~~]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 22:822 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1740 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2483 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2463 (October 2005), LR 33:2114 (October 2007), LR 34:629 (April 2008), LR 34:**.

§3023. Standards for Direct Transfer

A. – E.3.a.iii. …

b. The owner or operator must inspect cathodic protection systems, if used, to ensure that they are functioning properly according to the schedule provided in LAC 33:V.4440.E~~B~~.

3.c. – 6. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 22:826 (September 1996), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

Chapter 31. Incinerators

§3111. Performance Standards

A. – A.1, equation. …

2. An incinerator burning hazardous waste~~s~~ F020, F021, F022, F023, F026, or F027 must achieve a destruction and removal efficiency (DRE) of 99.9999 percent for each principal organic hazardous constituent (POHC) designated (under LAC 33:V.3109) in its permit. This performance must be demonstrated on POHCs that are more difficult to incinerate than tetra-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each POHC from the equation in ~~LAC 33:V.3111.~~Paragraph A.1 of this Section.~~ In addition, the owner or operator of the incinerator must notify the administrative authority of his intent to incinerate hazardous wastes F020, F021, F022, F023, F026 or F027.~~

A.3. – B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 20:1000 (September 1994), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

§3119. Monitoring and Inspections

A. – C. …

D. This monitoring and inspection data must be recorded and the records must be placed in the operating record~~log~~ as required by LAC 33:V.1529~~3~~ and maintained in the operating record for five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

Chapter 33. Groundwater Protection

§3317. Detection Monitoring Program

An owner or operator required to establish a detection monitoring program under this Subpart must, at a minimum, discharge the following responsibilities.

A. – C. …

D. The administrative authority will specify the frequencies for collecting samples and conducting statistical tests to determine whether there is statistically significant evidence of contamination for any parameter or hazardous constituent specified in the permit under ~~LAC 33:V.3317.~~Subsection A of this Section in accordance with LAC 33:V.3315.G. ~~A sequence of at least four samples from each well (background and compliance wells) must be collected at least semi-annually during detection monitoring.~~

E. – G.1. …

2. Immediately sample the groundwater in all monitoring wells and determine whether constituents listed in LAC 33:V.3325, Table 4 are present, and if so, in what concentrations. However, the administrative authority, on a discretionary basis, may allow sampling for a site-specific subset of constituents from LAC 33:V.3325, Table 4 and other representative/related waste constituents.

3. For any LAC 33:V.3325 compounds found in the analysis pursuant to ~~LAC 33:V.3317.~~Paragraph G.2 of this Section, the owner or operator may resample within one month or at an alternative site-specific schedule approved by the administrative authority and repeat the analysis for those compounds detected. If the results of the second analysis confirm the initial results, then these constituents will form the basis for compliance monitoring. If the owner or operator does not resample for the compounds found pursuant to ~~LAC 33:V.3317.~~Paragraph G.2 of this Section, the hazardous constituents found during this initial LAC 33:V.3325, Table 4 analysis will form the basis for compliance monitoring.

G.4. – H. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:280 (April 1984), LR 10:496 (July 1984), LR 16:399 (May 1990), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2485 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2464 (October 2005), LR 33:2115 (October 2007), LR 34:**.

§3319. Compliance Monitoring Program

An owner or operator required to establish a compliance monitoring program under this

Chapter must, at a minimum, discharge the following responsibilities.

A. – E. …

F. The administrative authority will specify the frequencies for collecting samples and conducting statistical tests to determine statistically significant evidence of increased contamination in accordance with LAC 33:V.3315.G. ~~A sequence of at least four samples from each well (background and compliance wells) must be collected at least semi-annually during the compliance period of the facility.~~

G. Annually, ~~T~~the owner or operator must determine~~analyze~~ whether additional hazardous constituents ~~samples from all monitoring wells at the compliance point for all constituents~~ listed in LAC 33:V.3325, Table 4 that could possibly be ~~at least annually to determine whether additional hazardous constituents are~~ present, but are not on the detection monitoring list in the permit, are actually present in the uppermost aquifer and, if so, at what concentration, pursuant to procedures in LAC 33:V.3317.F. To accomplish this, ~~If~~ the owner or operator must consult with the administrative authority to determine, on a case-by-case basis, which sample collection event during the year will involve enhanced sampling, the number of monitoring wells at the compliance point to undergo enhanced sampling, the number of samples to be collected from each of these monitoring wells, and the specific constituents from LAC 33:V.3325, Table 4 for which these samples must be analyzed. If the enhanced sampling event indicates that LAC 33:V.3325, Table 4 constituents that are not already identified in the permit as monitoring constituents are present in the groundwater, the owner or operator may resample within one month or at an alternative site-specific schedule approved by the administrative authority, and repeat the analysis~~finds LAC 33:V.3325, Table 4 constituents in the groundwater that are not already identified in the permit as monitoring constituents, the owner or operator may resample within one month and repeat the LAC 33:V.3325, Table 4 analysis~~. If the second analysis confirms the presence of new constituents, the owner or operator must report the concentrations of these additional constituents to the administrative authority within seven days after the completion of the second analysis and add them to the monitoring list. If the owner or operator chooses not to resample, then he or she must report the concentrations of these additional constituents to the administrative authority within seven days after completion of the initial analysis and add them to the monitoring list.

H. – J. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:399 (May 1990), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2485 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2464 (October 2005), LR 33:2115 (October 2007), LR 34:630 (April 2008), LR 34:**.

Chapter 35. Closure and Post-Closure

Subchapter A. Closure Requirements

§3517. Certification of Closure

A. Within 60 days of completion of closure of each hazardous waste surface impoundment, waste pile, land treatment, and landfill unit, and within 60 days of the completion of final closure, the owner or operator must submit to the Office of Environmental Services, by registered mail, a certification that the hazardous waste management unit or facility, as

applicable, has been closed in accordance with the specifications in the approved closure plan. The certification must be signed by the owner or operator and by an independent, qualifiedregistered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the administrative authority upon request until he releases the owner or operator from the financial assurance requirements for closure under LAC 33:V.3707.

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2487 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2466 (October 2005), LR 33:2117 (October 2007), LR 34:630 (April 2008), LR 34:**.

Subchapter B. Post-Closure Requirements

§3527. Certification of Completion of Post-Closure Care

A. No later than 60 days after completion of the established post-closure care period for each hazardous waste disposal unit, the owner or operator must submit to the Office of Environmental Services, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and an independent, qualifiedregistered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the administrative authority upon request until he releases the owner or operator from the financial assurance requirements for post-closure care under LAC 33:V.3711.I.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2488 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2467 (October 2005), LR 33:2118 (October 2007), LR 34:**.

Chapter 37. Financial Requirements

Subchapter A. Closure Requirements

§3707. Financial Assurance for Closure

An owner or operator of each facility must establish financial assurance for closure of the facility. Under this Part, the owner or operator must choose from the options as specified in Subsections A-F of this Section, which choice the administrative authority must find acceptable based on the application and the circumstances.

A. – H. …

I. Release of the Owner or Operator from the Requirements of this Section. Within 60 days after receiving certifications from the owner or operator and an independent, qualifiedregistered professional engineer that final closure has been completed in accordance with the approved closure plan, and for facilities subject to LAC 33:V.3525, after receiving the

certification required under LAC 33:V.3525.B.2, the administrative authority will notify the owner or operator in writing that he is no longer required by this Section to maintain financial assurance for final closure of the particular facility, unless the administrative authority has reason to believe that final closure has not been in accordance with the approved closure plan or that the owner or operator has failed to comply with the applicable requirements of LAC 33:V.3525. The administrative authority shall provide the owner or operator a detailed written statement of any such reason to believe that closure has not been in accordance with the approved closure plan or that the owner or operator has failed to comply with the applicable requirements of LAC 33:V.3525.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 18:723 (July 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1511 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2488 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2467 (October 2005), LR 33:2118 (October 2007), LR 34:**.

Subchapter B. Post-Closure Requirements

§3711. Financial Assurance for Post-Closure Care

The owner or operator of a hazardous waste management unit subject to the requirements of LAC 33:V.3709 must establish financial assurance for post-closure care in accordance with the approved post-closure plan for the facility 60 days prior to the initial receipt of hazardous waste or the effective date of the regulation, whichever is later. Under this Section, the owner or operator must choose from the options as specified in Subsections A-F of this Section, which choice the administrative authority must find acceptable based on the application and the circumstances.

A. – H.…

I. Release of the Owner or Operator from the Requirements of this Part. Within 60 days after receiving certifications from the owner or operator and an independent, qualified~~registered~~ professional engineer that the post-closure care period has been completed for a hazardous waste disposal unit in accordance with the approved plan, the administrative authority will notify the owner or operator that he is no longer required to maintain financial assurance for post-closure care of that unit, unless the administrative authority has reason to believe that post-closure care has not been in accordance with the approved post-closure plan. The administrative authority shall provide the owner or operator with a detailed written statement of any such reason to believe that post-closure care has not been in accordance with the approved post-closure plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 14:791 (November 1988), LR 18:723 (July 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1512 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2490 (November 2000), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005), amended by the Office of the Secretary, Legal Affairs

Division, LR 31:2469 (October 2005), LR 33:2120 (October 2007), LR 34:**.

Subchapter D. Insurance Requirements
§3715. Liability Requirements

A. – D. …

E. Period of Coverage. Within 60 days after receiving certifications from the owner or operator and an independent, ~~registered~~qualified professional engineer that final closure has been completed in accordance with the approved closure plan, the administrative authority will notify the owner or operator in writing that he is no longer required by this Section to maintain liability coverage for that facility, unless the administrative authority has reason to believe that closure has not been in accordance with the approved closure plan.

F. – K. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:686 (July 1985), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 16:399 (May 1990), LR 18:723 (July 1992), repromulgated LR 19:486 (April 1993), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1513 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2492 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2471 (October 2005), LR 33:2122 (October 2007), LR 34:**.

Chapter 43. Interim Status
Subchapter D. Manifest System, Recordkeeping, and Reporting
§4365. Additional Reports

A. …

1. releases, fires, and explosions as specified in LAC 33:V.1513.F.9~~10~~;

2. – 4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 17:658 (July 1991), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1744 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

Subchapter E. Groundwater Monitoring
§4367. Applicability

Facilities that have interim status must comply with this Subchapter in lieu of LAC 33:V.Chapter 33.

A. – C. …

1. within one year after the effective date of these regulations, develop~~submit to the Office of Environmental Services~~ a specific plan, certified by a qualified geologist or geotechnical engineer, ~~which~~that satisfies the requirements of LAC 33:V.4373.G, for an alternate groundwater monitoring system~~;~~. This plan is to be placed in the facility's operating record and maintained until closure of the facility;

2. not later than one year after the effective date of these regulations, initiate

the determinations specified in LAC 33:V.4373.H;

3. prepare ~~and submit~~ a ~~written~~ report in accordance with LAC 33:V.4373.I and place it in the facility's operating record and maintain until closure of the facility;

C.4. – E.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:484 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2499 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2126 (October 2007), LR 34:633 (April 2008), LR 34:**.

§4373. Preparation, Evaluation, and Response

A. – E. …

F. Within 15 days after the notification required in Subsection ~~under LAC 33:V.4373.~~E of this Section, the owner or operator must develop ~~and submit to the Office of Environmental Services~~ a specific plan, based on the outline required ~~under LAC 33:V.4373.~~in Subsection A of this Section and certified by a qualified geologist or geotechnical engineer, for a groundwater quality assessment program at the facility. This plan must be placed in the facility operating record and be maintained until closure of the facility.

G. – H.2. …

I. The owner or operator must make his first determination required in Subsection ~~under LAC 33:V.4373.~~H of this Section as soon as technically feasible and~~, within 15 days after that determination, submit to the Office of Environmental Services~~ prepare a ~~written~~ report containing an assessment of the groundwater quality. This report must be placed in the facility operating record and be maintained until closure of the facility.

J. – M. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 14:791 (November 1988), LR 18:723 (July 1992), amended by the Office of the Secretary, LR 24:2248 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2499 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2126 (October 2007), LR 34:**.

Subchapter F. Closure and Post-Closure

§4387. Certification of Closure

A. Within 60 days of completion of closure of each hazardous waste surface impoundment, waste pile, land treatment, and landfill unit, and within 60 days of completion of final closure, the owner or operator must submit to the Office of Environmental Services, by registered mail, a certification that the hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. The certification must be signed by the owner or operator and by an independent, ~~registered~~qualified professional engineer. Documentation supporting the independent ~~registered~~ professional engineer's certification must be furnished to the administrative authority upon

request until he releases the owner or operator from the financial assurance requirements for closure under LAC 33:V.4403.H.

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2501 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2475 (October 2005), LR 33:2128 (October 2007), LR 34:**.

§4395. Certification of Completion of Post-Closure Care

A. No later than 60 days after completion of the established post-closure care period for each hazardous waste disposal unit, the owner or operator must submit to the Office of Environmental Services, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and an independent, ~~registered~~qualified professional engineer. Documentation supporting the independent ~~registered~~ professional engineer's certification must be furnished to the administrative authority upon request until he releases the owner or operator from the financial assurance requirements for post-closure care under LAC 33:V.4407.H.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2502 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2477 (October 2005), LR 33:2129 (October 2007), LR 34:**.

Subchapter G. Financial Requirements

§4403. Financial Assurance for Closure

By the effective date of these regulations an owner or operator of each facility must establish financial assurance for closure of the facility. He must choose from the options as specified in Subsections A-E of this Section.

A. – G. …

H. Release of the Owner or Operator from the Requirements of this Section~~LAC 33:V.4403~~. Within 60 days after receiving certifications from the owner or operator and an independent, ~~registered~~qualified professional engineer that closure has been completed in accordance with the approved closure plan and after receiving the certification required under LAC 33:V.4393.B.2 for facilities subject to LAC 33:V.4393, the administrative authority will notify the owner or operator in writing that he is no longer required by ~~LAC 33:V.4403~~this Section to maintain financial assurance for final closure of the particular facility, unless the administrative authority has reason to believe that the final closure has not been in accordance with the approved closure plan or that the owner or operator has failed to comply with the applicable requirements of LAC 33:V.4393. The administrative authority shall provide the owner or operator a detailed written statement of any such reason to believe that closure has not been in

accordance with the approved closure plan or that the owner or operator has failed to comply with the applicable requirements of LAC 33:V.4393.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 14:791 (November 1988), LR 16:219 (March 1990), LR 18:723 (July 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1520 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2502 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2477 (October 2005), LR 33:2129 (October 2007), LR 34:**.

§4407. Financial Assurance for Post-Closure Care

An owner or operator of each hazardous waste disposal unit must establish financial assurance for post-closure care of the facility. He must choose from the options as specified in Subsections A-E of this Section.

A. – G. …

H. Release of the Owner or Operator from the Requirements of this Section~~LAC 33:V.4407~~. Within 60 days after receiving certifications from the owner or operator and an independent, ~~registered~~qualified professional engineer that the post-closure care period has been completed in accordance with the approved post-closure plan, the administrative authority will notify the owner or operator in writing that he is no longer required by this Section to maintain financial assurance for post-closure care of that unit, unless the administrative authority has reason to believe that post-closure care has not been in accordance with the approved post-closure plan. The administrative authority will provide the owner or operator a detailed written statement of any such reason to believe that post-closure care has not been in accordance with the approved post-closure plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 18:723 (July 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1521 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2504 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2479 (October 2005), LR 33:2131 (October 2007), LR 34:**.

§4411. Liability Requirements

A. – D.…

E. Period of Coverage. Within 60 days after receiving certifications from the owner or operator and an independent, ~~registered~~qualified professional engineer that final closure has been completed in accordance with the approved closure plan, the administrative authority will notify the owner or operator in writing that he is no longer required by this Section to maintain liability coverage for that facility, unless the administrative authority has reason to believe that closure has not been in accordance with the approved closure plan.

F. – K. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality,

Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 16:399 (May 1990), LR 18:723 (July 1992), repromulgated LR 19:627 (May 1993), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1521 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2506 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2481 (October 2005), LR 33:2133 (October 2007), LR 34:**.

Subchapter I. Tanks

§4433. Assessment of Existing Tank System's Integrity

A. For each existing tank system that does not have secondary containment meeting the requirements of these regulations, the owner or operator must determine that the tank system is not leaking or ~~is~~ unfit for use. Except as provided in ~~LAC 33:V.4433.~~Subsection C of this Section, the owner or operator must obtain and keep on file at the facility a written assessment reviewed and certified by an independent, qualified~~, registered~~ professional engineer in accordance with LAC 33:V.513 that attests to the tank system's integrity by November 20, 1988.

B. – B.5.a. …

b. for other than non-enterable underground tanks and for ancillary equipment, this assessment must be either a leak test, as described in Subparagraph B.5.a of this Section~~above~~, or an internal inspection and/or other tank integrity examination certified by an independent, qualified~~, registered~~ professional engineer in accordance with LAC 33:V.513 that addresses cracks, leaks, corrosion, and erosion.

C. – D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 18:723 (July 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

§4435. Design and Installation of New Tank Systems or Components

A. Owners or operators of new tank systems or components must ensure that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the waste(s) to be stored or treated, and corrosion protection so that it will not collapse, rupture, or fail. The owner or operator must obtain a written assessment reviewed and certified by an independent, qualified~~, registered~~ professional engineer in accordance with LAC 33:V.513 attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. This assessment must include, at a minimum, the following information:

1. – 5.c. …

B. The owner or operator of a new tank system must ensure that proper handling procedures are adhered to in order to prevent damage to the system during installation. Prior to covering, enclosing, or placing a new tank system or component in use, an independent, qualified installation inspector or an independent, qualified~~, registered~~ professional engineer, either of whom is trained and experienced in the proper installation of tank systems, must inspect the system or component for the presence of any of the following items:

B.1. – G. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 18:723 (July 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

§4437. Containment and Detection of Releases

A. …

1. for all new and existing tank systems or components, prior to their being put into service;

~~2. for all existing tanks used to store or treat EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027, within two years after November 20, 1988;~~

~~3. for those existing tank systems of known and documentable age, within two years after November 20, 1988, or when the tank systems have reached 15 years of age, whichever comes later;~~

~~4. for those existing tank systems for which the age cannot be documented, within eight years of November 20, 1988; but if the age of the facility is greater than seven years, secondary containment must be provided by the time the facility reaches 15 years of age, or within two years of November 20, 1988, whichever comes later; and~~

2~~5~~. for tank systems that store or treat materials that become hazardous wastes ~~subsequent to November 20, 1988~~, within two years of the hazardous waste listing~~the time intervals required in LAC 33:V.4437.A.1-4~~, or when the tank system has reached 15 years of age, whichever comes later~~except that the date that a material becomes a hazardous waste must be used in place of November 20, 1988~~.

B. Secondary containment systems must be:

B.1. – I.1. …

2. For other than non-enterable underground tanks and for all ancillary equipment, an annual leak test, as described in ~~LAC 33:V.4437.~~Paragraph I.1 of this Section, or an internal inspection or other tank integrity examination by an independent, qualified~~, registered~~ professional engineer that addresses cracks, leaks, corrosion, and erosion must be conducted at least annually. The owner or operator must remove the stored waste from the tank, if necessary, to allow the condition of all internal tank surfaces to be assessed.

3. – 4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 14:790 (November 1988), LR 16:614 (July 1990), LR 18:723 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2507 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2482 (October 2005), LR 33:2134 (October 2007), LR 34:**.

§4438. Special Requirements for Generators of ~~b~~Between 100 and 1,000 kg/month That Accumulate Hazardous Waste in Tanks

A. – B.4.NOTE. …

C. Except as noted in Subsection D of this Section, g~~G~~enerators who accumulate~~of~~

between 100 and 1,000 kg/month ofaccumulating hazardous waste in tanks must inspect, where present:

1. – 5.NOTE. …

D. Generators who accumulate between 100 and 1,000 kg/month of hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert facility personnel to leaks, or implement established workplace practices to ensure that leaks are promptly identified, must inspect at least weekly, where applicable, the areas identified in Paragraphs C.1-5 of this Section. Use of the alternate inspection schedule must be documented in the facility's operating record. This documentation must include a description of the established workplace practices at the facility.

ED. Generators of between 100 and 1,000 kg/month accumulating hazardous waste in tanks must, upon closure of the facility, remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures.

[NOTE: At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with LAC 33:V.109.*Hazardous Waste*.4 or 5, that any solid waste removed from the tank is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of LAC 33:V.Chapters 11, 13, and 43.]

FE. Generators of between 100 and 1,000 kg/month must comply with the following special requirements for ignitable or reactive waste:

1. ignitable or reactive waste must not be placed in a tank, unless:

a. the waste is treated, rendered, or mixed before or immediately after placement in a tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under LAC 33:V.4903.B or D, and LAC 33:V.4321.B is complied with; or

b. the waste is stored or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or

c. the tank is used solely for emergencies.

2. the owner or operator of a facility that treats or stores ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in Tables 2-1 through 2-6 of the National Fire Protection Association's *Flammable and Combustible Liquids Code*, (1977 or 1981) (incorporated by reference, see LAC 33:V.110).

GF. Generators of between 100 and 1,000 kg/month must comply with the following special requirements for incompatible wastes:

1. incompatible wastes, or incompatible wastes and materials, must not be placed in the same tank, unless LAC 33:V.4321.B is complied with; and

2. hazardous waste must not be placed in an unwashed tank that previously held an incompatible waste or material, unless LAC 33:V.4321.B is complied with.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:714 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

§4440. Inspections

A. The owner or operator must inspect, where present, at least once each operating day data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design.:

B. Except as noted under Subsection C of this Section, the owner or operator must inspect at least once each operating day:

1. overfill/spill control equipment (e.g., waste-feed cutoff systems, bypass systems, and drainage systems) to ensure that it is in good working order;

2. the aboveground portions of the tank system, if any, to detect corrosion or releases of waste; and

~~3. data gathered from monitoring equipment and leak-detection equipment, (e.g., pressure and temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; and~~

34. the construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment structure (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation).

C. Owners or operators of tank systems that either use leak detection equipment to alert facility personnel to leaks, or implement established workplace practices to ensure that leaks are promptly identified, must inspect at least weekly those areas described in Paragraphs B.1-3 of this Section. Use of the alternate inspection schedule must be documented in the facility's operating record. This documentation must include a description of the established workplace practices at the facility.

D. Ancillary equipment that is not provided with secondary containment, as described in LAC 33:V.4437.F.1-4, must be inspected at least once each operating day.

E~~B~~. The owner or operator must inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:

1. the proper operation of the cathodic protection system must be confirmed within six months after initial installation, and annually thereafter; and

2. all sources of impressed current must be inspected and/or tested, as appropriate, at least bimonthly (i.e., every other month).

F~~C~~. The owner or operator must document in the operating record of the facility an inspection of those items in Subsections A and B of this Section~~LAC 33:V.4440.A and B~~.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 18:723 (July 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

§4441. Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tank Systems

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the owner or operator must satisfy the following requirements.

A. – E.4. …

F. Certification of Major Repairs. If the owner or operator has repaired a tank system in accordance with ~~LAC 33:V.4441.~~Subsection E of this Section, and the repair has been extensive (e.g., installation of an internal liner; repair of a ruptured primary containment or secondary containment vessel), the tank system must not be returned to service unless the owner/operator has obtained a certification by an independent, qualified~~, registered~~ professional

engineer in accordance with LAC 33:V.513 that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This certification is~~must~~ to be placed in the operating record and maintained until closure of the facility~~submitted to the administrative authority within seven days after returning the tank system to use~~.

[NOTE: The administrative authority may, on the basis of any information received that there is or has been a release of hazardous waste or hazardous constituents into the environment, issue an order requiring corrective action or such other response as deemed necessary to protect human health or the environment.]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 16:614 (July 1990), LR 18:723 (July 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

Subchapter J. Surface Impoundments

NOTE: §4451 has moved to §4452.

§4452. Response Actions

[Formerly §4451]

A. The owner or operator of surface impoundment units subject to LAC 33:V.4462.A must develop and keep on-site until closure of the facility~~submit~~ a response action plan ~~to the Office of Environmental Services when submitting the proposed action leakage rate under LAC 33:V.4449~~. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in Subsection B of this Section.

B. – B.5. …

6. within 30 days after the notification that the action leakage rate has been exceeded, submit to the administrative authority the results of the analyses specified in ~~LAC 33:V.4451.~~Paragraphs B.3-5 of this Section, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the administrative authority a report summarizing the results of any remedial actions taken and actions planned.

C. To make the leak and/or remediation determinations in ~~LAC 33:V.4451.~~Paragraphs B.3-5 of this Section, the owner or operator must:

1. – 4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2508 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2483 (October 2005), LR 33:2135 (October 2007), LR 34:**.

§4462. Design Requirements

A. The owner or operator of each new surface impoundment unit ~~on which construction commences after January 29, 1992~~, each lateral expansion of a surface

impoundment unit ~~on which construction commences after July 29, 1992~~, and each replacement of an existing surface impoundment unit ~~that is to commence reuse after July 29, 1992,~~ must install two or more liners and a leachate collection and removal system between the~~such~~ liners and operate the leachate collection and removal system in accordance with LAC 33:V.2903.J, unless exempted under LAC 33:V.2903.C, K, or L. ~~*Construction commences* is as defined in LAC 33:V.109.*Existing Facilities*.~~

B. – H. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:220 (March 1990), amended LR 17:368 (April 1991), LR 18:723 (July 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2508 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2483 (October 2005), LR 33:2135 (October 2007), LR 34:**.

Subchapter K. Waste Piles

§4472. Response Actions

A. The owner or operator of waste pile units subject to LAC 33:V.4476 must develop and keep on-site until closure of the facility~~submit~~ a response action plan ~~to the Office of Environmental Services when submitting the proposed action leakage rate under LAC 33:V.4474~~. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in Subsection B of this Section.

B. – C.4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2508 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2483 (October 2005), LR 33:2135 (October 2007), LR 34:**.

Subchapter L. Land Treatment

§4489. Closure and Post-Closure

A. – D.4. …

E. For the purpose of complying with LAC 33:V.4387, when closure is completed the owner or operator may submit to the Office of Environmental Services certification both by the owner or operator and by an independent, qualified soil scientist in lieu of an independent, ~~registered~~qualified professional engineer, that the facility has been closed in accordance with the specifications in the approved closure plan.

F. – F.4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 18:723 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2509 (November 2000),

amended by the Office of the Secretary, Legal Affairs Division, LR 31:2483 (October 2005), LR 33:2135 (October 2007), LR 34:**.

Subchapter M. Landfills

§4498. Response Actions

A. The owner or operator of landfill units subject to LAC 33:V.4512.A must develop and keep on-site until closure of the facility~~submit~~ a response action plan ~~to the administrative authority when submitting the proposed action leakage rate under LAC 33:V.4497~~. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in ~~LAC 33:V.4498.~~Subsection B of this Section.

B. – C.4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

§4507. Special Requirements for Liquid Waste

~~A. Bulk or noncontainerized liquid waste or waste containing free liquids may be placed in a landfill prior to May 8, 1985 only if:~~

~~1. the landfill has a liner and leachate collection and removal system that meets the requirements of LAC 33:V.2503.A; or~~

~~2. before disposal, the liquid waste or waste containing free liquids is treated or stabilized, chemically or physically (e.g., by mixing with a sorbent solid), so that free liquids are no longer present.~~

A~~B~~. ~~Effective May 8, 1985, t~~The placement of bulk or noncontainerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.

B~~C~~. Containers holding free liquids must not be placed in a landfill unless:

1. all free-standing liquid:
   a. has been removed by decanting or other methods;
   b. has been mixed with sorbent or solidified so that free-standing liquid is no longer observed; or
   c. has been otherwise eliminated; or
2. the container is very small, such as an ampule; or
3. the container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or
4. the container is a lab pack as defined in LAC 33:V.4511 and is disposed of in accordance with LAC 33:V.4511.

C~~D~~. To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095B (Paint Filter Liquids Test) as described in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, EPA Publication SW-846, as incorporated by reference ~~at~~in LAC 33:V.110.

D~~E~~. The date for compliance with ~~LAC 33:V.4507.~~Subsection A of this Section is November 19, 1981. The date for compliance with ~~LAC 33:V.4507.~~Subsection B~~C~~ of this Section is March 22, 1982.

E~~F~~. Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are: materials listed or described in ~~LAC 33:V.4507.~~Paragraph E~~F~~.1 of this Section; materials that pass one of the tests in ~~LAC 33:V.4507.~~Paragraph E~~F~~.2 of this Section; or materials that are determined by EPA to be nonbiodegradable through the petition process in LAC 33:V.105.

1. Nonbiodegradable Sorbents. The following materials are nonbiodegradable sorbents:

a. ~~I~~inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates, clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas [illite], vermiculites, zeolites, calcium carbonate [organic free limestone]; oxides/hydroxides, alumina, lime, silica [sand], diatomaceous earth, perlite [volcanic glass]; expanded volcanic rock, volcanic ash, cement kiln dust, fly ash, rice hull ash, and activated charcoal/activated carbon); or

b. high molecular weight synthetic polymers (e.g., polyethylene, high-density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polyacrylate, polynorborene, poly*i*sobutylene, ground synthetic rubber, cross-linked allylstyrene, and tertiary butyl copolymers). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or

c. mixtures of these nonbiodegradable materials.

2. Tests for Nonbiodegradable Sorbents

a. The sorbent material is determined to be nonbiodegradable under ASTM Method G21-70 (1984a)-Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi; or

b. the sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b)-Standard Practice for Determining Resistance of Plastics to Bacteria; or

c. the sorbent material is determined to be nonbiodegradable under OECD test 301B: [CO_2 Evolution (Modified Sturm Test)].

F~~G~~. ~~Effective November 8, 1985, t~~The placement of any liquid ~~which~~that is not a hazardous waste in a landfill is prohibited unless the owner or operator of such landfill demonstrates to the administrative authority or the administrative authority determines that:

1. the only reasonably available alternative to the placement in such landfill is placement in a landfill or unlined surface impoundment, whether or not permitted or operating under interim status, which contains or may reasonably be anticipated to contain hazardous waste; and

2. placement in such owner's or operator's landfill will not present a risk of contamination of any *underground source of drinking water*, as defined in LAC 33:V.109.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), LR 21:266 (March 1995), LR 22:829 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:686 (April 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 34:634 (April 2008), LR 34:**.

§4512. Design and Operating Requirements

A. The owner or operator of each new landfill unit ~~on which construction~~

~~commences after January 29, 1992~~, each lateral expansion of a landfill unit ~~on which construction commences after July 29, 1992~~, and each replacement of an existing landfill unit ~~that is to commence reuse after July 29, 1992~~, must install two or more liners and a leachate collection and removal system above and between such liners and operate the leachate collection and removal systems, in accordance with LAC 33:V.2503.L, unless exempted by Subsection C, D, or E of this Section. ~~The term *construction commences* is defined in LAC 33:V.109.*Existing Facilities*.~~

B. – I. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:220 (March 1990), amended LR 18:723 (July 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2509 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2483 (October 2005), LR 33:2135 (October 2007), LR 34:634 (April 2008), LR 34:**.

Subchapter T. Containment Buildings

§4701. Applicability

A. The requirements of this Subchapter apply to owners or operators who store or treat hazardous waste in units designed and operated under LAC 33:V.4703. ~~These provisions will become effective on February 18, 1993, although the owner or operator may notify the administrative authority or EPA of his intent to be bound by this Subchapter or its federal equivalent at an earlier time.~~ The owner or operator is not subject to the definition of land disposal in RCRA Section 3004(k) provided that the unit:

1. – 5. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended LR 21:944 (September 1995), amended by the Office of the Secretary, Legal Affairs Division, LR 34:635 (April 2008), LR 34:**.

§4703. Design and Operating Standards

A. – C.1.d. …

2. obtain <u>and keep on-site a</u> certification by a qualified ~~registered~~ professional engineer that the containment building design meets the requirements of ~~LAC 33:V.4703.~~<u>Subsections A-C of this Section</u>~~. For units placed into operation prior to February 18, 1993, this certification must be placed in the facility's operating record (in on-site files for those generators who are not formally required to have operating records) no later than 60 days after the date of initial operation of the unit. After February 18, 1993, PE certification will be required prior to operation of the unit~~;

C.3. – E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2509 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR

33:2136 (October 2007), LR 34:635 (April 2008), LR 34:**.